

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Second Judicial District Court, County of Silver Bow

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	CAUSE NO. DC-17-230
	)	
-vs-	)	
	)	DECISION
CASSANDRA ASHLEY LARUE,	)	
	)	
Defendant.	)	

On January 10, 2019, the District Court sentenced Defendant to the Montana Women's Prison for three (3) years, for the offense of Count I: Theft, a felony. As to Count II: Theft – 2<sup>nd</sup> offense, a felony, Defendant was sentenced to the Montana Women's Prison for five (5) years. The Court ordered that the sentences for Counts I and II run consecutively to each other, and consecutively to the sentence imposed in Cascade County Cause No. BDC-17-521, and to the sentence imposed in Silver Bow County Cause No. DC-17-215. The Court further ordered Defendant to pay restitution in the amount of \$400.00 for the benefit of Kurt Weigert. The Court further ordered that Defendant be afforded the opportunity to participate in any chemical dependency programs during her incarceration. Defendant received credit for 136 days of time served. Counts III and IV of the Information were dismissed with prejudice.

On April 5, 2019, Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). Defendant was present and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that she understood this and stated that she wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

It is the unanimous decision of the Division that the sentence imposed is clearly excessive, and the sentence should be **MODIFIED**. The Division finds that Defendant's sentence in this matter, Silver Bow County DC-17-230, should run concurrently with Cascade County Cause No. DC-17-521. **Therefore, the sentences for Counts I and II shall run consecutively, but are both modified to run concurrently with Cascade County Cause No. DC-17-521.** The remaining terms and conditions of the sentence imposed are not clearly inadequate or clearly excessive and are affirmed.

Done in open Court this 5<sup>th</sup> day of April, 2019.

DATED this 25<sup>th</sup> day of April, 2019.

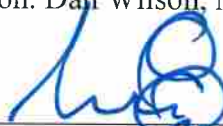
SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 7<sup>th</sup> day  
of May, 2019, to:

Clerk of District Court (Original)  
Cassandra Ashley LaRue #2037278, Defendant (2)  
Hon. Kurt Krueger  
Brent Getty, Defense Counsel  
Kelli Johnson Fivey, Esq.  
Board of Pardons and Parole  
MWP - Records Dept.



Georgia Lovelady, Judicial Assistant  
Sentence Review Division